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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,229	08/24/2001	Toshihiko Kaji	YMOR:219	2007

7590 03/25/2004

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Suite 210  
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Alexandria, VA 22314-2805

EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/914,229

**Applicant(s)**

KAJI, TOSHIHIKO

**Examiner**

Jorge L. Ortiz-Criado

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figure s 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kang et al. U.S. patent No. 6,552,973.

Regarding claim 1, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk which is a recording medium, characterized in that in order to effect kicking in the track hold control, the control section operates to measure an offset amount of a lens relative to the center in the pickup, and effect the kicking when the measured offset amount is equal to or smaller than a predetermined

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value (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

Regarding claim 2, Kang et al. discloses that the control section operates to change the predetermined value which is compared with the measured offset amount depending the number of tracks for the kicking (See col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

Regarding claim 3, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk which is a recording medium, characterized in that in order to carry out tracking after kicking is effected in the track hold, the control section operates to measure an offset amount of a lens relative to the center in the pickup, and carry out no tracking processing until the offset amount becomes equal to or smaller than a predetermined value (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

Regarding claim 4, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk which is a recording medium, characterized in that in order to effect kicking in the track hold control, the control section operates to measure an offset amount of a lens relative to the center in the pickup several times, and effect the kicking when the offset amount is reduced each time of the measurements within a predetermined range (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

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Regarding claim 5, Kang et al. discloses characterized in that the control section operates to change the predetermined value which is compared with the offset amounts measured several times depending on the number of tracks for the kicking (See col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

Regarding claim 6, Kang et al. discloses characterized in that the control section operates to store a measured maximum offset amount as an eccentricity amount of an optical disk in use (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 9,10,11,13)

Regarding claim 7, 8 and 12, Method claims 7, 8 and 12 are drawn to the method of using the corresponding apparatus claimed in claims 1, 2 and 6. Therefore method claims 7,8 and 12 correspond to apparatus claims 1, 2 and 6 and are rejected for the same reasons of anticipation as used above.

Regarding claim 9, Method claim 9 is drawn to the method of using the corresponding apparatus claimed in claim 3. Therefore method claim 9 corresponds to apparatus claim 3 and is rejected for the same reasons of anticipation as used above.

Regarding claim 10-11, Method claims 10-11 are drawn to the method of using the corresponding apparatus claimed in claims 4-5. Therefore method claims 10-11 correspond to apparatus claims 4-5 and are rejected for the same reasons of anticipation as used above.

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. JP Pub. No. 10-312549 to Ono et al., which discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk which is a recording medium, characterized in that in order to effect kicking in the track hold control, the control section operates to measure an offset amount of a lens relative to the center in the pickup, and effect the kicking when the measured offset amount is equal to or smaller than a predetermined value

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

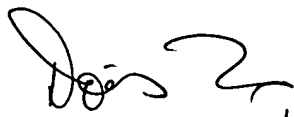
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DORIS H. TO 3/2/04  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600